

### III. REMARKS

1. Claims 1-26 remain in the application. Claims 1, 5, 14, 21, and 23 have been amended.
2. Claims 1-4 have been amended to overcome the 35 USC 112 rejection.
3. Claims 1-26 are not anticipated by Murai (US 5,592,307).
- 3.1 Murai fails to disclose or suggest that a first portion, or at least a portion, of the second image transfer menu is stored in the computer, as recited by claims 1 and 5.

The Office Action refers to column 10, lines 9-21 and column 18, lines 14-26 of Murai as disclosing this feature. Column 10, lines 9-21 discusses setting fax resolution levels based on PC display resolution. There is no disclosure related to storing a portion of the second type of menu in the computer. Column 18, lines 14-26 discusses displaying image pads corresponding to five functions and selecting them using a mouse. Again, there is no disclosure related to storing a portion of the second type of menu in the computer. Applicants note that the first and second types of menus are to be displayed by the image transfer device and not by the computer.

The Applicants respectfully submit that in Murai, all display data for the facsimile machine is stored within the facsimile machine itself. While the CPU senses the absence of the computer interface box and prevents computer modes from being displayed, those modes are all stored in the facsimile machine, not the computer. There is no disclosure in Murai related to a second type of image transfer menu to be displayed when

connected to a computer, where at least a portion of the second type of menu is stored in the computer.

At least for this reason, Applicants respectfully submit that claims 1 and 5 are not anticipated by Murai. Claims 2-4 and 6-13 depend from claims 1 or 5 and therefore are also not anticipated by Murai.

Claims 19 and 21 are directed to similar subject matter and therefore claims 19-22 are also not anticipated by Murai.

3.2 Murai fails to disclose or suggest a transfer device that receives instructions from the computer that program the device to load the second one of the menus, as recited by claims 14 and 23.

There is no disclosure in Murai related to sending instructions from the computer that program the fax. At least for these reasons, Applicants respectfully submit that independent claims 14 and 23, and dependent claims 15-18 and 24-26 are not anticipated by Murai.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 24-0037.

Respectfully submitted,

Joseph V. Gamberdell, Jr.  
Joseph V. Gamberdell, Jr.  
Reg. No. 44,695

28 Feb 04  
Date

Perman & Green, LLP  
425 Post Road  
Fairfield, CT 06824  
(203) 259-1800  
Customer No.: 2512

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date indicated below as first class mail in an envelope addressed to the Commissioner of Patents, Washington, D.C. 20231.

Date: 28 Feb 04

Signature: \_\_\_\_\_

Joseph V. Gamberdell, Jr.  
Person Making Deposit